

REMARKS / ARGUMENTS

The present application includes pending claims 1-30, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent № 6,574,240, issued to Tzeng (hereinafter, Tzeng). Without conceding that Tzeng qualifies as prior art under 35 U.S.C. § 102(e), the Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Tzeng Does Not Anticipate Claims 1-30

The Applicant now turns to the rejection of claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Tzeng. With regard to the anticipation rejections under 102(e), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Examiner's Response to Arguments Section

The Applicant points out that in the Response to Arguments section (pages 2-3) of the Final Office Action, the Examiner has only quoted substantial portions of col. 3, lines 15-42 of Tzeng, without addressing the Applicant's specific arguments stated in the December 5, 2007 amendment. The Examiner is, in effect, repeating his arguments stated in the October 30, 2007 Advisory Office Action, which were rebutted in detail by the December 5, 2007 amendment.

For example, the Examiner states the following in pages 2-3 of the Final Office Action: "Examiner asserts that each of the network stations referred to as blade servers when reading the claims in light of the spec are coupled to the switch fabric 25 as disclosed in Tzeng." The Examiner is referred again to pages 14-17 of the December 5, 2007 amendment, where it is explained in detail that Tzeng does not disclose at least two blade servers coupled to a common switch via a common bus. If the Examiner equates Applicant's "common switch" to Tzeng's "switch fabric 25", the Examiner's argument is deficient since no two of Tzeng's network stations are coupled to the switch fabric via a common bus. For convenience of the Examiner, the Applicant is repeating the argument from the December 5, 2007 amendment herein below.

B. Rejection of Independent Claim 1 under 35 U.S.C. § 102 (e)

The following annotated FIG. 1 of Tzeng will be used in Applicant's argument.

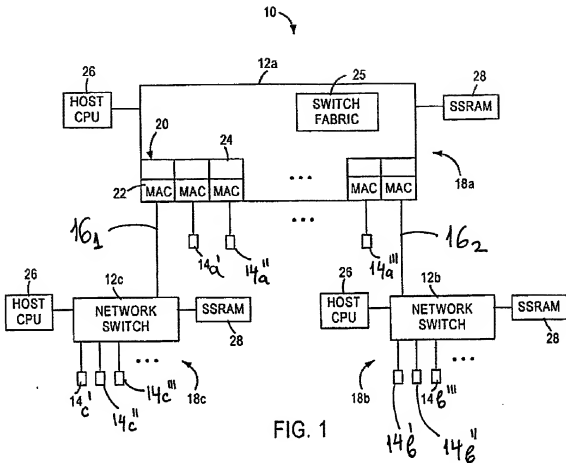


FIG. 1

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Tzeng does not disclose or suggest at least the limitation of "receiving at least one packet from a first blade server of a plurality of blade servers, at least two of which are coupled to a common switch via a common bus," as recited by the Applicant in independent claim 1 (emphasis added).

The Final Office Action refers for support to Tzeng and states the following:

As per claims 1, 11, and 21 Tzeng discloses a method for communicating information in a server, the method comprising: receiving

at least one packet from a first blade server of a plurality of blade servers, at least a portion of which is coupled to a common bus; (Col 4 lines 22-30); determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet; and (Col 5 lines 46-59); routing at least a portion of said at least one received packet to at least said second blade server. (Col 6 lines 4-18).

See the Final Office Action at pages 3-4. The Final Office Action relies on col. 4, lines 22-30 of Tzeng, which states the following:

FIG. 3 is a flow diagram illustrating an example of the type of layer 3 processing that might be performed for an incoming data packet. The flow diagram of FIG. 3, conventionally implemented in software, would involve checking whether the incoming data packet was a hypertext transport protocol (HTTP) packet in step 50, an SNMP packet in step 52, or a high-priority packet in step 54. The appropriate tag would then be assigned identifying the packet in steps 56, 57, 58, or 60.

With regard to the above citation of Tzeng (col. 4, lines 22-30), the Applicant points out that Figure 3 of Tzeng illustrates exemplary layer 3 processing for an incoming data packet. In addition, this citation of Tzeng does not disclose receiving of a data packet from a blade server. In fact, Tzeng also does not disclose a plurality of blade servers, where at least two of the blade servers are coupled to a common switch via a common bus.

In the Final Office Action and in the October 30, 2007 Advisory Office Action, the Examiner has interpreted Tzeng's network stations 14 (14a', 14a'', 14a''', 14b', 14b'', 14b''', 14c', 14c'', and 14c''') to broadly cover Applicant's "blade server" claim limitation. In addition, the Examiner has interpreted Tzeng's Ethernet links 16 (16₁ and 16₂) to

broadly cover Applicant's "common bus" claim limitation. See the Advisory Office Action at page 2. Even assuming for the sake of argument that this interpretation is correct, the Examiner's argument is still deficient.

For example, referring to above annotated FIG. 1 of Tzeng, the Applicant points out that each of the Ethernet links 16₁ and 16₂ (equated by the Examiner to Applicant's "common bus") couple the multiport switches 12a-12c, and **the Ethernet links 16₁ and 16₂ do not couple any of the network stations 14a', 14a'', 14a''', 14b', 14b'', 14b''', 14c', 14c'', and 14c''' (equated by the Examiner to Applicant's "blade server").** Furthermore, the network stations 14a', 14a'', 14a''', 14b', 14b'', 14b''', 14c', 14c'', and 14c''' (equated by the Examiner to Applicant's "blade server") are **not** coupled to a common switch via an Ethernet links 16₁ and 16₂ (equated by the Examiner to Applicant's "common bus").

Assuming for the sake of argument that Applicant's "common switch" is equated to any one of Tzeng's network switches (e.g., 12a), then Tzeng is sufficiently distinguished since none of the network stations 14a', 14a'', and 14a''' are coupled to the switch 12a via any of the Ethernet links 16₁ and 16₂.

Assuming for the sake of argument that Applicant's "common switch" is equated to any one of Tzeng's switch fabric modules (e.g., switch fabric 25), then Tzeng is again sufficiently distinguished since none of the network stations 14a', 14a'', and 14a''' are coupled to the switch fabric 25 via any of the Ethernet links 16₁ and 16₂.

Therefore, the Applicant maintains that Tzeng does not disclose or suggest at least the limitation of "receiving at least one packet from a first blade server of a plurality of blade servers, at least two of which are coupled to a common switch via a common bus," as recited by the Applicant in independent claim 1. Accordingly, independent claim 1 is not anticipated by Tzeng and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

C. Rejection of Dependent Claims 2-10, 12-20 and 21-30

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by Tzeng has been overcome and request that the rejection be withdrawn. Additionally, claims 2-10, 12-20 and 21-30 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-30.

In general, the Final Office Action makes various statements regarding claims 1-30 and the cited reference that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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